

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO. 1:20cr620-008
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
vs.	)	ORDER ACCEPTING PLEA
	)	AGREEMENT, JUDGMENT AND
Joseph Gallagher,	)	REFERRAL TO U.S. PROBATION
	)	OFFICE
Defendant(s).	)	
	)	

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Thomas M. Parker regarding the change of plea hearing of Joseph Gallagher which was referred to the Magistrate Judge with the consent of the parties.

On October 9, 2020, the Government filed a forty six count Indictment, charging Defendant Gallagher in three counts, with Conspiracy to Distribute and Possess with Intent to Distribute Acetylfentanyl, Fentanyl, Heroin, Methamphetamine, Cocaine, Cocaine Base (Crack) and Marijuana and Use of a Communications Facility to Facilitate a Felony Drug Offense, in violation of Title 21 U.S.C. §§ 846 and 843(b). Defendant Gallagher was arraigned on October 22, 2020, and entered a plea of not guilty to Counts 1, 37, and 41 of the Indictment before this Court. On February 23, 2022, Magistrate Judge Thomas M. Parker received Defendant Gallagher's plea of guilty to Count 1 of the Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judges R&R is adopted. Defendant Gallagher is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Gallagher is adjudged guilty of Count 1 of the Indictment, Conspiracy to Distribute and Possess with Intent to Distribute Acetylfentanyl, Fentanyl, Heroin, Methamphetamine, Cocaine, Cocaine Base (Crack) and Marijuana and Use of a Communications Facility to Facilitate a Felony Drug Offense, in violation of Title 21 U.S.C. § 846. This matter was referred to U.S. Pretrial Services and Probation for the completion of a pre-sentence investigation and report. Sentencing will take place on June 16, 2022 at 10:00 a.m. either via Zoom or in Courtroom 18B, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, OH.

IT IS SO ORDERED.

*s/Dan Aaron Polster* 3/28/2022  
DAN AARON POLSTER  
UNITED STATES DISTRICT JUDGE